

# Harvis & Fett

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August 27, 2015

BY ECF

Honorable Robert M. Levy  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Cortes v. City of New York, et al.*, 14 CV 3014 (SLT) (RML)

Your Honor:

I represent plaintiff in the above-referenced civil rights action. I write to respectfully request a two-month extension of the fact discovery deadline, from September 23, 2015 to November 23, 2015. Defendants consent to this application.

As the Court may recall, this case involves a disputed use of force inside of the 115<sup>th</sup> Precinct on July 1, 2013. Plaintiff alleges a group of officers pushed him against a wall and seriously injured his shoulder. Defendants deny that any such incident took place inside the precinct. By order dated April 28, 2015, the Court set a fact discovery deadline of September 23, 2015.

The parties have been working cooperatively to undertake the discovery necessary in order to investigate the veracity of plaintiff's claims and identify the appropriate defendants. To date, that has involved, *inter alia*, an inspection by counsel of the precinct; the production of officer photographs, roll calls, the precinct prisoner roster, memo books and other documents; and the deposition of one of the NYPD sergeants assigned to the 115<sup>th</sup> Precinct during the relevant time. Based on the testimony of that witness, plaintiff has made additional document requests that we expect, in conjunction with depositions of other ranking officers that have already been scheduled, will lead to the definitive identification of several new defendants in the case.

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The proposed extension will allow time for defendants to obtain and produce the requested documents, some of which were not previously requested; the remaining depositions to be conducted; the complaint to be amended, either on consent or by motion, to add the new defendants; and the new defendants to answer the amended complaint.

Accordingly, plaintiff respectfully requests a two-month extension of the fact discovery deadline, from September 23, 2015 to November 23, 2015.

Thank you for your consideration of this request.

Respectfully submitted,



Gabriel P. Harvis

cc: ACC Elissa Jacobs, Esq.